

REMARKS

By this Amendment, independent claims 1 and 10 are amended to clarify distinctions between the claimed invention and the system disclosed in the Prokoski patent. Claim 2 has been amended because some previously cited limitation are now in claim 1, while claim 11 is cancelled because it is redundant to what is recited in claim 10. Finally, claim 12 has been made dependent on claim 10.

The changes to the claims are being made in accordance with the discussions during the teleconference Examiner interview of January 28, 2008. Applicant Lawrence Wolff and the undersigned attorney of record, William A. Blake, would like to thank the Examiner, Wesley Tucker, once again for granting the interview and the courtesy shown and valuable input provided during the interview.

During the interview, the prior art rejections of the claims made by the previous Examiner, Shefali Goradia, in the final Office Action were discussed. Mr. Wolff reiterated the arguments presented in the last Amendment of August 21, 2007 in which Applicant noted that the main reference relied upon in the rejections, US Patent 6,173,068 to Prokoski, discloses medical images which are not in the reflective domain as defined in FIG. 1 of the subject application. Mr. Wolff also noted that Prokoski does not disclose the fusing of two separate images of a face, nor does the reference teach the use of images for face recognition to facilitate identification of individuals by comparison of the image to images stored in computer memory, for example.

Examiner Tucker acknowledge the foregoing differences, but was of the opinion that the independent claims should be amended to more specifically highlight these distinctions, particularly the distinction between the reflective domain image and the domain of a medical

image. After further consideration, agreement was reached that amending claim 1 to specify the wavelength range of the reflective domain shown in FIG. 1 of the subject application, 0.3 to 2.5 microns, would avoid any possible confusion with CAT scan type medical images, for example, which use much shorter wavelengths. Claim 1 already included the limitation of creating a representation template from a fused combination of the two images, which Mr. Wolff asserted and Examiner Ticker acknowledged also distinguished the claimed invention over Prokoski's minutiae overlay technique. The final change made to claim 1 was to specify in the body of the claim that the fused image is used for face recognition matching, to avoid any confusion about whether the preamble in claim 1 limits the scope of the claim, which it clearly does now. Similar changes have been made to claim 10, as well as some other formal changes such as a more clear positive recitation of the computer system and changing the term "consisting" to "comprising" to avoid unduly limiting claim 10.

Examiner Tucker acknowledged that the foregoing changes would overcome the rejections of claims 1 and 10 over Prokoski et al. but noted he would have to perform a follow-up search before he could formally allow the application.

In view of the foregoing, Applicants respectfully submit that all of the claim rejections are overcome and that the application is now in condition for allowance. Accordingly, favorable reconsideration of the application is respectfully requested.

Respectfully Submitted,

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Dated: January 29, 2008